

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

IN RE: GENENTECH HERCEPTIN)	
(TRASTUZUMAB) MARKETING)	MDL DOCKET No. 16-MD-2700
AND SALES PRACTICES)	ALL CASES
LITIGATION)	

**GENENTECH, INC.'S MOTION FOR LEAVE TO FILE UNDER SEAL
DEFENDANT GENENTECH, INC.'S MOTION FOR LEAVE TO SUPPLEMENT THE
RECORD REGARDING ITS MOTION FOR SUMMARY JUDGMENT
BASED ON FEDERAL PREEMPTION**

Pursuant to Local Rule LCvR79.1 and the Protective Order entered in this case [Doc. No. 43)], Defendant Genentech, Inc. ("Genentech") respectfully requests leave to file under seal its Motion for Leave to Supplement the Record Regarding Its Motion for Summary Judgment Based on Federal Preemption ("Motion to Supplement").

Plaintiffs have no objection to the relief requested in this Motion with the reservation that it does not prejudice their subsequent ability to challenge the "Confidential" or "Highly Confidential" designations of the documents that shall be attached to Defendant Genentech, Inc.'s Motion for Leave to Supplement the Record Regarding Its Motion for Summary Judgment Based on Federal Preemption.

In the Motion to Supplement Genentech intends to reference information designated as "Confidential" and "Highly Confidential" under the Protective Order entered in this case. Genentech has designated the subject information as "Confidential" because it believes the information "constitute[s], reflect[s] or disclose[s] trade secret or other confidential research, development or other

commercial information as contemplated under Rule 26(c) of the Federal Rules of Civil Procedure.” (See Protective Order [Doc. No. 43] § 1(b).) Further, Genentech has designated certain information and exhibits as “Highly Confidential,” because the information is “extremely sensitive confidential and/or proprietary information, the disclosure of which . . . would compromise and/or jeopardize [Genentech’s] competitive business interests.” (See Protective Order [Doc. No. 43] § 1(d).)

Because the Motion to Supplement will reference a significant amount of information designated as “Confidential” and “Highly Confidential,” Genentech respectfully submits that the filing of a redacted version of the Motion to Supplement is not necessary. Genentech further respectfully submits that its motion for leave to file this information under seal is narrowly tailored.

CONCLUSION

For the foregoing reasons, Defendant Genentech, Inc. respectfully requests that the Court grant Genentech leave to file under seal Defendant Genentech, Inc.’s Motion for Leave to Supplement the Record Regarding Its Motion for Summary Judgment Based on Federal Preemption.

Respectfully submitted,

s/William W. O'Connor

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of February, 2017, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/William W. O'Connor

William W. O'Connor